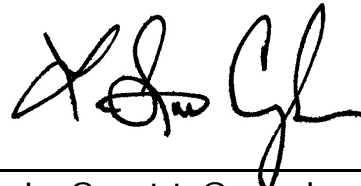


recommending that this Court deny Defendants' motion for summary judgment. (Doc. 36.) The parties were allowed fourteen days to file written objections to the Magistrate Judge's report and recommendation. No objections were filed. This action was reassigned to the undersigned judge on October 1, 2014.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the Magistrate Judge's report is due to be and is hereby ADOPTED and the Magistrate Judge's recommendation is ACCEPTED. Defendants' special report, construed as a motion for summary judgment, (doc. 24) is therefore DENIED.

Done this 7th day of October 2014.

A handwritten signature in black ink, appearing to read 'L. Scott Coogler', is written above a horizontal line.

L. Scott Coogler
United States District Judge
[160704]